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December 16, 2023

**Via eFile & E-mail**

Hon. Martin Glenn  
Chief United States Bankruptcy Judge  
United States Bankruptcy Court  
Southern District of New York  
One Bowling Green, Courtroom 523  
New York, New York 10004-1408  
[mg.chambers@nysb.uscourts.gov](mailto:mg.chambers@nysb.uscourts.gov)

Re: In re Celsius Network LLC, Case No. 22-10964 - December 21, 2023  
Omnibus Hearing

Dear Chief Judge Glenn:

The *Joint Motion of the Debtors and the Committee for Entry of an Order (I) Approving the Implementation of the MiningCo Transaction and (II) Granting Related Relief* [Docket No. 4050] (the “Motion”)<sup>1</sup> is set for hearing on December 21, 2023 at 10:00 a.m. (Eastern Time). The Debtors believe that no evidence is needed for approval of the Motion because the Motion does not constitute a modification of the Plan. However, if the Court finds that the Motion is a modification of the Plan, the Debtors and the Committee are prepared to put forth evidence in support of the proposed transaction and demonstrate that the proposed transaction does not materially and adversely affect any creditors. Specifically, the Debtors and the Committee have submitted declarations in support of the Motion, and would submit those declarations in support of the Motion to the extent required for the December 21 hearing.

To that end, to the extent the Court determines that the December 21 hearing should be evidentiary, the Debtors submit that they have complied with the notice requirements of paragraph 5 of the *Second Amended Final Order (I) Establishing Certain Notice, Case*

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<sup>1</sup> Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion or the *Modified Joint Chapter 11 Plan of Celsius Network LLC and its Debtor Affiliates* (the “Plan”), attached as Exhibit A to the *Finding of Fact, Conclusions of Law, and Order Confirming the Modified Joint Chapter 11 Plan of Celsius Network LLC and its Debtor Affiliates* (the “Confirmation Order”) [Docket No. 3972], as applicable.

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*Management, and Administrative Procedures and (II) Granting Related Relief* [Docket No. 2560] and submit that the notice of hearing the Debtors filed contemplates that such hearing may be an evidentiary hearing. Accordingly, the Debtors respectfully submit that parties in interest are on notice that the hearing may be evidentiary, and respectfully request permission to present evidence at the December 21 hearing to the extent necessary.

Sincerely,

/s/ *Ross M. Kwasteniet*

cc: David M. Turetsky  
Samuel P. Hershey  
Gregory F. Pesce  
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